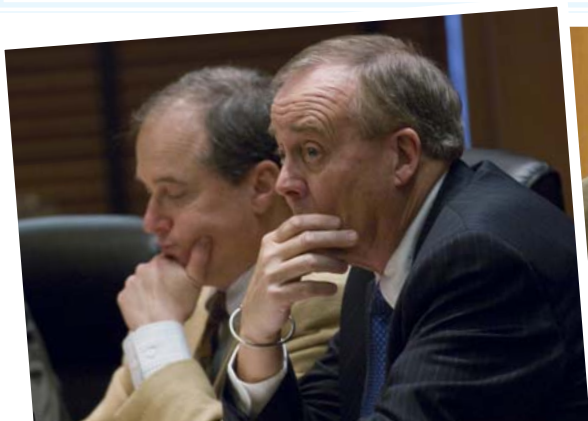


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THE RESEARCH REVIEW

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Rep. Litz

The Agriculture Committee met Tuesday to consider five bills on calendar.

The following bill was *referred to Finance, Ways and Means as amended*:

HB 3456 (Litz) exempts wood shavings, chips, and slabs from state and local sales and use taxes when sold to

qualified farmers and nurserymen. Amendment #1 adds tarpaulins and other canvas or plastic sheeting, to the list of items proposed to be exempt from state and local sales tax. Amendment #2 includes any appliance, attached to a permanent structure or stand alone, used for feeding and watering livestock. Amendment #3 adds fencing supplies and materials, including but not limited to wire, panels, posts, and gate fasteners. Amendment #4 includes oils, lubricants, and fluids, used for the repair and maintenance of specified equipment in agriculture.

The following bills were *deferred to Summer Study Committee*:

HB 2802 (Buck) creates a Commercial Lawn Maintenance Herbicide Applicators license. This license would be available to persons who apply herbicide with the sole active ingredient of Glyphosate in order to control weeds in conjunction with commercial lawn maintenance. Persons applying herbicide with the sole active ingredient of Glyphosate with a 5 gallon or less hand-held or backpack compressed air sprayer are exempt from licensure. Persons licensed and exempt from licensure under the provisions of this bill are currently required to obtain a Horticulture, Lawn and Turf (HLT) license. The bill as amended excludes persons with one gallon sprayers.



Rep. DuBois, Rep. Buck

HB 926 (DuBois) establishes licensing category for commercial lawn maintenance herbicide applicators. The bill as amended specifies that a person does not have to be licensed under the pest control provisions in order to apply Roundup and the only application equipment used is a five-gallon or less sprayer.

The following bills were deferred:

HB 3519 (Rowland) was *deferred two weeks*.

HB 2773 (Brooks, H) was *rolled to the last calendar*.

children & family affairs

Amelia Mitchell

The **Children & Family Affairs Committee** met on Wednesday, March 12th and considered the following legislation:

Referred to Calendar & Rules:

HB 2563 by Rep. Fincher requires DCS to inform all foster parents of a child's past delinquency charges, criminal charges, and hospitalizations prior to the time of placement.

HB 2472 by Rep. Sherry Jones extends the Select Committee on Children and Youth to the adjournment of the General Assembly convened in 2011.

Referred to Calendar & Rules as amended:

HB 3044 by Rep. Sontany creates an exception to mediation requirements in irreconcilable differences divorce proceedings if the court approves the filed marital dissolution agreement and parenting plan. This bill also grants the court to approve child support for disabled children over the age of 18 and requires the 30-day notice of termination of a spouse's health insurance as a result of divorce be filed with the court which is hearing the divorce. The bill was amended in sub-committee to correct a typographical error by deleting § 36-3-604(8) and instead substituting that with § 36-3-604 (7), (10) or (11).

The following bills were deferred one week:

HB 2720 by Rep. Fincher expands the offenses for which notice must be given to schools when a juvenile offender is sent back into a regular school setting. The bill was amended in committee by adding the section § 33-3-109 which deals with the release of information to family members and other designated persons.

HB 2622 by Rep. S. Jones was amended to rewrite the bill in order to restate the focus of DCS from preserving the relationship between child and family to serving the best interest of the child.

The following bills were deferred until March 26, 2008:

HB 3143 by Chairman J. DeBerry requires a child's attendance at his or her permanency hearing. It also requires the Juvenile Court to review and ratify

an independent living plan for children 16 years or older. It requires the court to ensure that a child 17 years or older to be informed and knowledgeable of the post-custody services available and attends a permanency hearing three months prior to the release from custody to review the child's plan to transition into independent living.

HB 3144 by Chairman J. DeBerry gives foster parents, prospective parents adoptive parents and relatives of a child notice of the right to be heard at a hearing regarding the child and provide that juvenile-family crisis intervention must certify that court intervention is necessary either through sworn testimony or in writing.

HB 3145 by Chairman J. DeBerry changes the requirements of the termination of parental rights in certain circumstances. This bill also creates an additional venue for which the petition may be filed and requires that proof of legal grounds and the best interest of the child are presented in default judgments for the termination of parental rights.

HB 3147 by Chairman J. DeBerry expands the stages in which a juvenile has a right to counsel to be at any delinquency proceeding or in any proceeding alleging unruly conduct in which the child is in jeopardy of being removed from the home. This bill also requires that in certain proceedings involving a child, an adult is entitled to legal counsel; and this bill establishes that if a juvenile or adult has a right to counsel and is indigent, the court shall provide counsel for such person.

The following bills have been taken off notice:

HB 3122 by Rep. DuBois

HB 179 by Rep. Cooper

HB 399 by Rep. S. Jones

Domestic Relations Subcommittee

The **Domestic Relations Subcommittee** met on Tuesday, March 11, 2008, to consider its calendar and the following bills were passed to full committee:

HB 3936 by Rep. S. Jones requires the Commission on Children and Youth to design and oversee a resource mapping of all federal and state



Dom. Rel. Chair Jones

HB 1284 by Rep. Crider
HB 2538 by Rep. Fincher

The following bills were deferred two weeks:

HB 3323 by Rep. Brown
HB 3324 by Rep. Brown
HB 3325 by Rep. Brown

The following bill was taken off notice:

HB 3154 by Rep. B. Cooper

Family Justice Subcommittee

The **Family Justice Subcommittee** met on Tuesday,



Fam. Jus. Chair Maddox

funding sources that support the health, safety, permanence, growth, development and education of children of the state.

The following bills were deferred one week:

HB 2961 by Rep. Hardaway
HB 2962 by Rep. Hardaway
HB 2970 by Rep. Hardaway

March 11, 2008, to consider its calendar and the following bills were passed to full committee:

HB 3097 by Rep. Curtiss requires the youth services officer, probation officer, or DCS to notify the school principal in writing of the nature of an adjudicated delinquent's

offense and probation requirements related to school attendance before the child resumes or begins school attendance.

HB 2820 by Rep. Sherry Jones requires that a Guardian ad litem be appointed for a child during all stages of a contested termination or adoption matter and requires all proceedings of such to be confidential unless the confidentiality is waived by both parties. This bill also grants the court the authority to make a default finding in accordance with the Tennessee Rules of Civil Procedure when a verified answer by all parties in a termination of parental rights is not filed.

HB 2908 by Rep. Sherry Jones creates the Department of Juvenile Justice and transfers all programs and services related to children adjudicated delinquent or unruly from DCS.

The following bills were deferred one week:

HB 3717 by Rep. Gilmore (amended)
HB 2819 by Rep. S. Jones (amended)
HB 2619 by Rep. Gilmore
HB 2883 by Rep. DuBois
HB 4079 by Rep. Litz
HB 2820 by Rep. S. Jones
HB 2904 by Rep. S. Jones
HB 2905 by Rep. S. Jones
HB 2909 by Rep. S. Jones
HB 2910 by Rep. S. Jones
HB 2911 by Rep. S. Jones
HB 4139 by Rep S. Jones
HB 4099 by Rep. Richardson

The following bills were taken off notice:

HB 3447 by Rep. Rinks
HB 4164 by Rep. Fincher



Chairman Curtiss

Commerce passed seven bills out on Tuesday during its full committee meeting.

HB 2809 (Sontany) increases the amount of the surety bond from \$25,000 to \$50,000 for new and renewed motor vehicle dealer licenses, and it removes the ability to use a letter of

credit in lieu of a bond. An amendment was adopted to change the effective date to July 1, 2008.

[passed to Calendar & Rules]

HB 3351 (Windle) requires the Commissioner of Economic & Community Development to survey rural areas to better match new employers to opportunities in those areas. An amendment was adopted to change the “requires” to “requests”.

[passed to Finance Ways & Means]

HB 705 (McCord) as amended will add geothermal heating and cooling in to the TCA under the provisions for contractors and the required disclosures by bidders. The amendment makes the bill and was adopted.

[passed to Finance Ways & Means]

HB 3613 (Cobb C) allows the sale of abandoned property in a safe deposit box. An amendment was adopted to remove a method approved by the state treasurer. As amended, the method used would be approved by the Commissioner of Financial Institutions or under the Uniform Commercial Code.

[passed to Calendar & Rules]

HB 3370 (Cobb C) permits a dental service plan corporation to keep some or all of its business records in an acceptable electronic form.

[passed to Calendar & Rules]

HB 3671 (Shepard) establishes a framework for the issuance and regulation of guaranteed asset protection waivers. A “GAP” waiver is an agreement where a creditor agrees, for a separate charge, to cancel or waive all or parts of the amounts due on the borrower’s finance agreement in the event of a total physical damage loss or unrecovered theft. An amendment that makes the bill was adopted.

[passed to Calendar & Rules]

HB 2633 (Todd), better known as the “Mixed Martial Arts” bill, serves the three main purposes: 1) legalize and regulate mixed martial arts professional events; 2) create a state athletic commission; and 3) update the state boxing code.

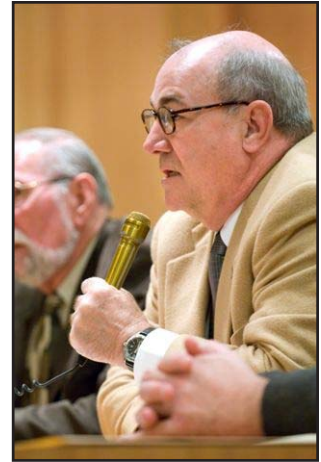
The Department of Commerce & Insurance presented an amendment that added financial

security for the state in collecting money

from promoters. Another amendment was adopted also which clarifies that the athletic commission is autonomous, and is attached to the Department of Commerce & Insurance for administrative purposes only. One amendment will be drafted to encompass all the adopted amendments.

[passed to Government Operations]

The following bills were rolled:



Rep. Shepard



Rep. Todd

HB 2753 (Pruitt) requires hospitals to administer hearing tests to all newborns before being discharged from the hospital. The amendment makes the bill. In addition to the hearing tests, the results will be shared with the Department of Health & the Department of Education to follow up. Insurance companies must provide coverage for these tests, and the cost will be subject to any co-pays and deductibles. *[rolled for one week]*

HB 3959 (Curtiss). This legislation is a different approach to the statewide franchising of cable television services. It is very similar to the legislation he sponsored last session that creates a franchise authority. This authority is to be made up of 12 members appointed by the Speaker of the House and the Speaker of the Senate. The appointments are individuals from the cities and counties with each population size having equal representation. The authority also includes the Comptroller of the Treasury, the chair of the Tennessee Regulatory Authority, and the Commissioner of the Department of Economic & Community Development. The scope of the franchise authority is limited to rule making, and the Tennessee Regulatory Authority will enforce the rules. Chairman Curtiss moved to roll the bill for four weeks to allow more time for the negotiations with the other cable television legislation. *[rolled for four weeks]*

HB 2853 (Turner M) requires a purchaser of a motor vehicle for salvage to verify the seller's ownership by viewing the title and keeping a copy of the title. Rep. Turner has a similar bill moving through the Judiciary committee so he took this bill *off notice*.

Utilities, Banking and Small Business Subcommittee

The **Utilities, Banking and Small Business Subcommittee** met Tuesday immediately after full Commerce Committee and its regular time. Two bills were moved to the full committee.

HB 3611 (Turner L) changes the definition of trustee under the "Tennessee Prepaid Funeral Benefits Act" to include certified public accountants. **HB 3150 (Turner L)** is identical to HB 3611 in allowing CPAs to serve as trustees. *[Both bills moved to full committee]*

The following bills *were rolled*:

HB 4180 (Mumpower) makes changes to the law as it relates to TRA regulation of incumbent local exchange telecommunications companies. The bill eliminates TRA regulation over products and services by such companies under certain market conditions. *[rolled to the last calendar]*



Rep. Mumpower

HB 1322 (West) requires licensure for providers of hospitality services by the Commissioner of Commerce & Insurance. Rep. West offered an amendment that rewrites the bill to only require licensure if the business has five or more employees. The bill was rolled, and there will be testimony from the hospitality industry when the bill is heard again. *[rolled for two weeks]*

HB 3522 (Fitzhugh) requires municipally owned and rural cooperatively owned utilities' poles to allow pole attachments by telecommunications service providers at reasonable rates. Rep. Fitzhugh is working on an amendment with the interested parties. *[rolled for one week]*

Commissioner Greg Gonzales from the Department of Financial Institutions is scheduled to speak to the subcommittee on April 1st to address the title pledge bills. These bills will be heard by the subcommittee the following week.

Industrial Impact Subcommittee

The **Industrial Impact Subcommittee** met Wednesday and passed four bills to the full committee.

HB 3743 (McCormick) provides for limited licensure, under certain circumstances, of non-resident contractors that live in states that do not practice reciprocity with licensees of the Tennessee Board for Licensing Contractors. The Department of Commerce & Insurance has requested information from the state of Georgia. *[passed to full committee]*

HB 2752 (Coleman) is referred to as the “Tennessee Condominium Act of 2008.” This legislation is a comprehensive update to the current laws on condominiums. The bill has four main parts: 1) general provisions & definitions, 2) creation, alteration, & termination of condos, 3) management of condos, and 4) protection of purchasers. The amendment makes some clarifications and addresses the concerns of the many interested parties.
[passed to full committee]

HB 2734 (Todd) revises the current regulation of the sale, possession, or use of consumer fireworks by local governments. The local governments would submit a permit procedure to the state fire marshal’s office. An amendment was adopted to only allow the sale of fireworks during the times that the discharge of fireworks is permitted.
[passed to full committee]

HB 4097 (Hackworth) redefines “appraisal” and “appraisal report.” The new definitions are more modern and consistent with how other states use them.
[passed to full committee]

The following bills *were rolled*:



Rep. Shaw

300 feet to one-half (1/2) mile. Rep. West has an amendment that rewrites the bill which increases the standards for blasting and the monitoring of blasting operations.
[rolled one week]

HB 2340 (Shaw) requires appraisers making appraisals for condemnation to be licensed and qualified with education and experience in the field of condemnation.
[rolled to last calendar]

HB 2666 (West) increases the distance that pre-blast surveys of residences must be conducted from

HB 4203 (Gilmore) allows the Commissioner of Commerce & Insurance to require insurance producers to submit fingerprints. It also adds specific acts that are considered unfair trade practices.
[rolled one week]

HB 2763 (Fitzhugh) establishes a restitution fund for purchasers of pre-need funeral contracts. The seller can charge a fee, and a percentage of that fee will go into the restitution fund. The Department of Commerce & Insurance would determine the percentage.
[rolled one week]

HB 4158 (Pitts) is referred to the “Tennessee Charitable Gift Annuity Act of 2008.” It replaces the current law with more oversight by the Department of Commerce & Insurance. Charitable gift annuities must be approved by the Commissioner and the issuing charitable organization would provide an annual report to the Department.
[rolled one week]



Rep. Baird

HB 2776 (Baird) clarifies the type of permit needed by a local government to sponsor a pyrotechnics display. An amendment was adopted that changes the word “sponsors” to “conducts.”
[rolled one week]

HB 3452 (Baird) allows fireworks operators to take the certification exam instead of the continuing education. The continuing education is currently offered in only one location in the state. An amendment was adopted which also allows the fire marshal to issue expedited permits for public displays at twice the fee for a regular permit.
[rolled one week]

HB 4206 (Yokley) revises Tennessee’s long term care laws to be consistent with the current Long-Term Care Insurance Model Act of the National Association of Insurance Commissioners.

[rolled one week]

HB 4101 (Hackworth) creates statutorily specific distribution of funds for the pre-need funeral fund. Half of the fee currently charged would go to the receivership fund to cover the costs when funeral homes are put into receivership. This is an existing fee and the legislation merely states where the money will go.

[rolled two weeks]

HB 4207 (Favors) is referred to as the “Tennessee Unfair Trade Practices and Unfair Claims Settlement Act of 2009.” It adds in detail to the current list of acts that would be considered unfair or deceptive practices.

[rolled one week]

HB 360 (Rowland) died for lack of a motion.

HB 3888 (Maggart) failed by a vote of 9-4-1.

conservation & environment

Jeremy Maxwell

The Conservation and Environment Committee met Wednesday to consider six bills on calendar.

The following bills were *referred to Calendar and Rules*:

HB 3213 (Turner, L), as amended, further defines the jurisdiction of the Chickasaw Basin Authority by providing jurisdiction over all matters related to the rivers, streams, and drainage areas flowing within Shelby County. Additionally, the Authority would have jurisdiction over all matters related to the Wolf River and its drainage area without regard to county or municipal boundaries.



Rep. L. Turner, Chairman Buck

HB 4108 (Fraley) adds Morrison Meadow and Wilson School Road Forest and Cedar Glades as natural-scientific areas. It also revises the property descriptions for other scenic-recreation and natural-scientific areas.

The following bill was *referred to Finance, Ways and Means*:

HB 2761 (Tidwell) creates a Class A misdemeanor for leaving the scene of a boating accident if such person knew or should have known the accident resulted in serious injury. The bill also creates a Class E felony for leaving the scene of a boating accident if such person knew or should have known the accident resulted in death.

The following bills were *deferred one week*:

HB 3080 (McCord) as amended

HB 3772 (McCord)

HB 4184 (McCord)

Environment Subcommittee

The Environment Subcommittee met Wednesday to consider five bills on calendar and to hear presentations.

The following bill was *referred to Finance, Ways and Means as amended*:

HB 4185 (McCord) adds a definition of “limited resource waters” to the Water Quality Control Act and excludes such waters from regulation by the Act. The bill as amended excludes “limited resource waters” and “wet weather conveyances” from the definition of “waters” and therefore regulation by the Water Quality Control Act.

The following bills were rolled:

HB 3940 (Lynn) was *deferred one week*.

HB 2511 (Mumpower) was *deferred one week*.

HB 4198 (McDonald) was *deferred two weeks*.

The following bill was *taken off notice*:

HB 2764 (Floyd)

The committee also heard presentations from both sides regarding HB 4185. These speakers represented the industry and the Department of Environment and Conservation.

Wildlife Subcommittee

The Wildlife Subcommittee did not meet this week.

Parks and Tourism Subcommittee

The Parks and Tourism Subcommittee did not meet this week.

consumer & employee affairs

Lucy Wilson



Chairman McDonald

The full committee heard **HB 2522 by Turner M.** This bill would require gift certificates with a monetary value of less than \$10.00 be redeemable in cash for cash value. There is an amendment adopted in committee that would exclude loadable cash cards from this legislation. The sponsor agreed to

roll the bill one week to get answers to committee members' questions.

Consumer Affairs Subcommittee

The Consumer Affairs Committee members heard **HB 3375 by Todd.** Rep. Todd offered an amendment that rewrites the bill. Any health club would be authorized to offer a membership contract, *prior to the health club opening*, if the club met the following criteria:

- Acquire a property right or interest in Tennessee with respect to the facility;
- File a registration application; and
- Purchase a surety bond in favor of the Consumer Affairs Division of the Department of Commerce and Insurance in the amount of \$25,000.



Consumer Chair Turner

Additionally, the club would be required to include in the application, a current personal or corporate financial statement prepared by a certified public accountant.

If the Consumer Affairs Division determined prospective membership buyers would not be protected by the financial condition of the club, they would be authorized to require the health club to post a surety bond up to \$200,000. This bond could be cancelled with thirty days notice after the club had been certified as fully operational.

This bill passed to the full committee with the amendment following.

HB's 4153 by Ferguson and 3860 by Odom were rolled one week.

Employee Affairs Subcommittee

HB 3006 by Turner M requires that certain employers give their employees paid sick and vacation leave based on the number of hours they work annually. This bill was passed to the full committee with an oral amendment that corrects a typographical error.

HB's 2988 by Brooks H, 2490 and 2494 by Fincher, 2572 by Turner M, and 3801 by Curtiss were rolled one week.



Employee Chair Hackworth

NOTE: Chairman McDonald announced that all remaining bills in both subcommittees, Employee Affairs and Consumer Affairs, would be put on notice for next week, March 18, 2008. Consumer Affairs will meet at 1:00 PM and continue on at 2:00 PM if necessary. Employee Affairs will meet at 3:00 PM if necessary.



The House Education committee met on Wednesday. Calendar action follows.

Referred to Calendar & Rules, if amended:

HB 2482 – (McDonald) as amended, rewrites the bill to allow local school boards to lease or sell unused or unneeded property or portions of buildings in a manner that best serves the community.

HB 3614 – (Maddox) as amended, rewrites the bill to require students entering teacher training programs to supply a finger print sample and submit to a background check by the TBI or FBI. The student agrees that this information will be sent to the institution attended and will cover any cost associated with this check. This information may also be used for employment purposes with any LEA in the state within a twenty-four (24) month period.

HB 3640 – (Johnson, P.) as amended, rewrites the bill to set criteria for student whose home crosses through county boundary lines. Eligibility to attend school in the county other than where the residence is taxed is to be based on local board of education policy and availability of space. Attendance shall be subject to payment of tuition to the same extent as students not residing in the county. An LEA shall not be required to provide transportation to such students.

HB 4037 – (Armstrong) as amended, rewrites the bill to address students whose diploma, certificate of credit, or grade reports are withheld due to debt obligations. This requirement shall not apply to debts of less than twenty-five dollars (\$25.00) or are more than ten (10) years in age.

HB 2790 – (Cooper) as amended, rewrites the bill to urge the department of education to look into instruction on nonviolence as it applies to conflict resolution in the character education curriculum.

Referred to Government Operations:

HB 2976 – (Winningham) places in law a system of grants outside the BEP for additional monies for career and technical education.

Deferred 1 week:

HB 4096 – (Winningham)

HB 3319 – (Brown)

Deferred 2 weeks:

HB 4084 – (Maddox)

HB 2642 – (Hardaway)

Deferred 3 weeks:

HB 2755 – (Pruitt)

Taken off Notice:

HB 3399

Higher Ed Subcommittee

The Higher Ed Subcommittee met on Wednesday and began its meeting with a presentation. The Tennessee Higher Education Commission reported on its Feasibility Study on Early Commitment Programs in Tennessee. Action on the calendar follows.

Referred to Full Committee:

HB 3964 – (Curtiss) children and grandchildren of Purple Heart recipients would receive a 25 percent tuition discount in public postsecondary institutions.



Higher Ed. Chair Brown

HB 4088 – (Maddox) requires public postsecondary institutions to notify parents or legal guardians if a student under the age of 18 commits a disciplinary violation that involves use of alcohol or a controlled substance.

Deferred 1 week:

HB 2989 – (Bone)

Deferred 2 weeks:

HB 4135 – (Ferguson)

Deferred 3 weeks:

HB 4078 – (Fitzhugh)

Taken off Notice:

HB 3315 – (Brown)

HB 3316 – (Brown)

The Subcommittee next acted on Lottery bills referred to committee. Actions taken, by category, follow.

Limitations and 2.75

Referred to Full Committee:

HB 4210 – (Winningham) changes grade point average to maintain HOPE scholarship from 3.0 to 2.75.

Taken off Notice:

HB 2447 – (Litz)

HB 3434 – (Brooks, H.)

HB 3705 – (Brooks, K.)

HB 3997 – (Ferguson)

Criteria to Receive

Taken off Notice:

HB 2521 – (Turner, M.)

HB 2738 – (Hardaway)

HB 2892 – (Winningham)

HB 3890 – (Gresham)

Dual Enrollment

Taken off Notice:

HB 3139 – (Maggart)

HB 3480 – (Hawk)

Home School Students

Taken off Notice:

HB 2922 – (Maggart)

HB 3304 – (Lynn)

Military

Referred to Full Committee:

HB 2418 – (Borchert) establishes the “Helping Heroes Grant” for honorably discharged Iraq and Afghanistan veterans.

Taken off Notice:

HB 2893 – (Winningham)

HB 2980 – (Litz)

New Programs

Referred to Full Committee:

HB 4130 – (Winningham) creates the “Tennessee rural health act of 2008.”

HB 4212 – (Winningham) creates the “Tennessee student assistance award fund.”

Taken off Notice:

HB 2422 – (Hardaway)

HB 2480 – (Overbey)

HB 2526 – (Turner, M.)

HB 2737 – (Hardaway)

HB 2841 – (DuBois)

HB 2842 – (DuBois)

HB 2942 – (McCormick)

HB 3185 – (Hardaway)

HB 3187 – (Hardaway)

HB 3353 – (Bass)

HB 3896 – (Rowland)

HB 4165 – (Maddox)

HB 4179 – (Maddox)

Nontraditional Students

Taken off Notice:

HB 2739 – (Hardaway)

HB 3341 – (Matheny)

HB 3489 – (Overbey)

HB 3741 – (Winningham)

Studies/Reports

Referred to Full Committee:

HB 3478 – (Hawk) requires THEC to report on the effectiveness of Wilder-Naifeh technical skills grant in retraining laid-off workers and the feasibility of expansion of the program.

Taken off Notice:

HB 3641 – (Johnson, P.)

HB 3781 – (Winningham)

New Complete Program

Taken off Notice:

HB 3289 – (Maddox)

HB 3968 – (Winningham)

Miscellaneous

Referred to Full Committee:

HB 3488 – (Winningham) expands definition of eligible independent postsecondary institution to include regionally accredited schools with primary campus domiciled in Tennessee.

HB 3742 – (Winningham) makes technical changes in the HOPE foster child tuition grant.

Taken off Notice:

HB 3420 – (Bell)

HB 3665 – (Sargent)

Capital Projects

Referred to Full Committee:

HB 3120 – (Overbey) creates “Tennessee lottery funds for education projects loan account.”

K-12 Subcommittee



The K-12 Subcommittee met on Tuesday and took the following actions on its calendar.

Referred to Full Committee:

HB 3612 – (Maddox) the state board of education is authorized to develop a fund distribution formula for monies outside the BEP for technology, internet connectivity, and e-learning. Half of all funds are to go to internet connectivity.

HB 4048 – (Towns) for anyone not possessing a high school diploma or certificate of graduation, changes the age from 18 to 21 to obtain a driver’s license or driver’s permit.

HB 2610 – (Hardaway) an LEA may not take adverse job actions against teachers who refuse to participate in or remain silent about illegal activities. The bill also gives teachers who are discriminated against, but not fired, the right to bring suit against the LEA.

HJR 825 – (Winningham) designates Tuesday, May 6, 2008, as “National Teacher Day” in Tennessee.

HJR 928 – (Winningham) the select oversight committee on education is to study the Tennessee value-added assessment system as a means of evaluation.

SJR 594 – (Woodson) the select oversight committee on education is to study the legislatively required background checks and other employment conditions in Tennessee public schools.

SJR 638 – (Kurita) designates November 19, 2008, as “Civic Education Day” in Tennessee.

Referred to Full Committee, if amended:

HB 3285 – (Maddox) as amended, a student wishing to enter a teaching program will be fingerprinted by the TBI or FBI for a criminal background check. Prints will be sent to the institution where program is being pursued. Prints will follow to an employer and be good for two (2) years.

HB 3322 – (Brown) as amended, department of agriculture will provide the department of education a listing of approved art supply products used in classrooms. The department of education will then place this list on its web site

Deferred 1 week:

HB 2372 – (Mumpower)

HB 4042 – (Mumpower)

HB 2471 – (Jones, S.)

HB 3703 – (Brooks, K.)

Deferred 2 weeks:

HB 2789 – (Cooper)

HB 3165 – (McCormick)

HB 2779 – (Cooper)

HB 3123 – (Cooper)

Deferred to Last Calendar:

HB 4036 – (Buck)

HB 3074 – (McCord)

HB 3073 – (McCord)

HB 3826 – (McCord)

Referred to the Select Oversight Committee on Education:

HJR 764 – (Tidwell) as amended, directs the select oversight committee on education to study the adequacy of funding for public education.

Special Initiatives Subcommittee

The Special Initiatives Subcommittee met on Wednesday and considered its calendar. Action

follows.



Referred to Full Committee:
HB 3418 – (Shaw) school boards would be allowed to deny enrollment to known gang members age eighteen (18) or older. This would not apply to a student eligible for special education services.

Initiatives Chair Windle

HB 2891 –

(Brooks, H.) lowers the age from sixteen (16) to fourteen (14) for students to participate in work experience and career exploration programs.

Referred to Full Committee, if amended:

HB 2524 – (Turner, M.) allows a student to attend school closest to student's residence. As amended, the bill applies only to Davidson County.

Referred 1 week:

HB 3745 – (Harrison)

HB 3158 – (Harrison)

HB 4169 – (Gilmore)

Referred 2 weeks:

HB 1947 – (Swafford)

HB 3920 – (Rinks)

HB 4029 – (Harwell)

Taken off Notice:

HB 2525 – (Turner, M.)

HB 3396 – (DeBerry)

finance, ways & means

Julie Travis & Patrick Boggs

On Tuesday, March 11th, the full Finance Committee met and considered eight bills. The committee also heard from the Tennessee Advisory Commission on Intergovernmental Relations and the Department of



Chairman Fitzhugh

the Military. Wednesday, budget hearings continued with representatives of the Tennessee Bureau of Investigation, the Department of Transportation, and the Department of Safety appearing. After session today, budget hearings of the Department of Mental Health & Developmental Disabilities and the Tennessee Corrections Institute are scheduled to occur.

Bills Referred to Calendar & Rules:

HB 3634 (Overbey) – This bill revises the distribution formula for grants to arts organizations from the sale of arts specialty license plates.

HB 4118 (Odom) – This bill, carried on behalf of the administration, specifies that internal controls and risk assessment applies to all state government entities. Under current law, such controls must be performed every four years, this bill makes it annually. This bill also clarifies that such procedures apply to institutions of higher education.

HB 2487 (Fraley) – This bill designates the retired teacher member that is currently a part of the Tennessee Consolidated Retirement System Board of Trustees as a voting member. Such person had previously been a non-voting member of the board.

HB 3723 (Fitzhugh) – This bill delays by one year the requirement that all municipalities must hire a certified municipal financial officer (CMFO). Such localities now have until January 1, 2011, January 1,

2012, or January 1, 2013, depending on revenue derived from the municipality.

HB 3121 (Cooper) – This bill adds a certain facility in Shelby County as an eligible headquarters facility that is exempt from ad valorem taxation. Such owner must make payments in lieu of taxes to be exempt from the ad valorem taxes.

Deferred for One Week:

HB 3784 (Bone)

HB 2870 (Moore)

Budget Subcommittee

The Budget Subcommittee met on Wednesday, March 12th, 2008, and considered fifty-one bills. The results of those actions are as follows:

Bills Referred to the Full Committee:

HB 3408

(Matlock) – This bill authorizes Monroe and Loudon Counties to levy privilege taxes on the filing of legislation within their respective counties.

HB 3999

(McDonald) – This bill names a segment of U.S. 31E in Sumner County the Johnny Hayes Highway. The signage shall only be erected if non-state funds shall be received from Sumner County.

HB 2433 (McDonald) – This bill, known as the scrap metal bill, would require scrap metal dealers to register with the Department of Commerce and Insurance. It establishes requirements for the purchase of scrap metal by dealers from individuals.



Rep. Matlock

Further, the bill spells out penalties for violations of the provisions of this legislation.

HB 3455 (Tindell) – This bill authorizes public utilities to create public building authorities for the purpose of utility infrastructure, improvements, facilities, and buildings which are necessary to the utility's operations and providing services to customers.

HB 3626 (Tindell) – This bill creates a licensing class for public automobile auctioneers within the Tennessee Auctioneers Commission and the Tennessee Motor Vehicle Commission. The subcommittee amended this bill to clarify its language.

HB 3673 (Bass) – This bill names a bridge on U.S. 31 in Giles County the Jarret C. Gray Memorial Bridge. The subcommittee amended this bill to specify that the Giles County Government will reimburse the department for the signage.

HB 3674 (Bass) – This bill names a bridge on U.S. 64 in Giles County the Deanna Glossup Memorial Bridge. The subcommittee amended this bill to specify that the Giles County Government will reimburse the department for the signage.

HB 3675 (Bass) – This bill names a bridge on U.S. 64 in Giles County the Bobby Claud 'BJ' Englett, Jr. Memorial Bridge. The subcommittee amended this bill to specify that the Giles County Government will reimburse the department for the signage.

HB 2775 (Brooks, H.) – This bill encourages LEAs to purchase and install automated external



Rep. Brooks

defibrillators in K-12 schools. However, no state funds shall be used for the purchase of such devices.

HB 3433 (Brooks, H.) – This bill names a bridge spanning I-640 in Knox County the L.D. Lindsay Bridge. The subcommittee amended this bill to specify that the Knox County

Government will reimburse the department for the signage.

HJR 199 (DuBois) - This bill names a segment of S.R. 243 in Maury County the Dr. John O. Williams Memorial Highway. The subcommittee amended this bill to specify that the Maury County Government will reimburse the department for the signage.

HB 3031 (Hawk) – This bill modifies the garnishment form for garnishing wages with respect to the recent increase in the minimum wage. If the minimum wage is increased again, the forms will not have to be revised, as the forms will automatically accommodate the change.

HB 2889 (Hensley) – This bill names a bridge on S.R. 99 in Lewis County the Fred Couch Memorial Bridge. Lewis County must reimburse the department for the signage.

HB 2890 (Hensley) – This bill names a section of highway on S.R. 99 in Lewis County the Luther M. and Marvin Patton Memorial Highway. The Lewis County government must reimburse the department for the erection of the signage.

HB 3832 (P. Johnson) – This bill names a bridge of S.R. 100 in Williamson County as the Lance Corporal Richard A. Buerstetta Memorial Bridge. The signs will be paid for out of the highway fund as this individual was killed in the line of duty in Iraq.

HB 3505 (U. Jones) – This bill, known as the local government OPEB bill, authorizes the investment committees of local governments to require such assets to be invested in accordance with the investment policy used for public pension asset investments. It further stipulates that such policy must conform to the Tennessee Uniform Prudent Investor Act of 2002.

HB 3681 (Lundberg) – This bill, as amended by the subcommittee, allows Sullivan County's ambulances to have the same color scheme as their fire department.

HB 3067 (McCord) – This bill requires the Blount County election commission to place a liquor-by-the-drink referendum for wine only for the municipality of Townsend on the November 2008 general election ballot. Townsend must pay for all costs of the special election.

HB 2456 (McDaniel) – This bill authorizes Wayne County to use its litigation privilege tax for the purposes of funding equipment and personnel costs of the sheriff’s department in addition to the already authorized purposes of funding construction or renovation costs for the county jail, workhouse, or courthouse, or the payment of bonds used for such purposes.

HB 3279 (Miller) – This bill authorizes paramedics that are employed by a municipality within one county to train at another municipality’s paramedic training facilities upon completion of a written interlocal agreement between such municipalities.

HB 3124 (Montgomery) – This bill renames the Elevator Safety Board within the Department of Labor and Workforce Development the Elevator and Amusement Device Board and expands this board to recruit members with such experience to oversee and regulate amusement devices. Previously, oversight of these devices had been administratively within the Department of Commerce and Insurance, and had purchased a permit from their county clerk to operate these devices. Such devices will be subject to inspection and must obtain an annual permit.

HB 3450 (Rinks) – This bill names a bridge on U.S. 64 in Hardin County the James (Wesley) Franks Memorial Bridge. An amendment was added by the subcommittee to specify that Hardin County must absorb the costs of the bridge signage and reimburse the department.

HB 3701 (Shaw) – This bill names a bridge on S.R. 125 in Hardeman County the Gunnery Sgt. Terry J. Elliot Memorial Bridge. Sgt. Elliot died in Iraq and such signage will be paid out of the highway fund.

HB 3672 (Shepard) – This bill requires members of the Massage Licensure Board to have five years of massage experience and authorizes the Board to charge an application fee for continuing education courses submitted for approval.

HB 3659 (Williams) – This bill expresses the intent of the General Assembly to name a bridge on S.R. 840 in memory of Staff Sgt. Stephen R. Maddies. Staff Sgt. Maddies died in the line of duty, and such signage would be paid out of the highway fund when such signage is erected.

Bills Rolled One Week:
HB 3862 (Tindell)

HB 2835 (Shepard)

Bills Rolled Two Weeks:

HB 4137 (Borchert)
HB 3098 (Curtiss)
HB 4162 (Fincher)
HB 2500 (Odom)
HB 2940 (Windle)

Bills Rolled Three Weeks:

HB 2587 (Overbey)

Bills Rolled to the Last Calendar:

HB 3688 (Tindell)
HB 3689 (Tindell)

Bills Rolled to the Study Committee Subcommittee:

HB 2615 (Williams)

Bills Placed Behind the Budget:

HB 2670 (McDonald)
HB 966 (Overbey) – to be considered with the above bill, as they reference similar ideas
HB 3493 (Overbey)
HB 2599 (Bass)
HB 3212 (Gilmore)
HB 2687 (Hensley) – placed on the Behind the Budget sign calendar
HB 3797 (Miller)
HB 3919 (Miller)
HB 3033 (Watson)
HB 3034 (Watson)

Bills Referred to the Government Operations Committee:

HB 1168 (Sontany)

Bills Reconsidered and placed on next week’s calendar:

HB 3020 (Campfield)
HB 3021 (Campfield)
HB 3023 (Campfield)

Bills taken Off-Notice:

HB 4034 (Lynn)



Rep. Williams

government operations

Kristina Ryan



Chairman Kernell

The **House Government Operations Committee** met on Wednesday morning to consider ten pieces of legislation. Of the ten bills up for consideration, five bills were in committee for review purposes for other standing committees and the remaining five bills were sunset bills.

The committee reviewed and referred **HB 2939 by Representative Windle** to the Finance, Ways and Means Committee. Originating in the Education Committee, this legislation establishes a rural poverty center at Tennessee Technological University. The Board of Regents, in conjunction with the Tennessee Higher Education Commission, is authorized to promulgate rules in order to implement this bill.

HB 3678 by Representative Sherry Jones was reviewed and referred to Calendar and Rules. After passing from the Health and Human Resources Committee, this bill requires the Department of Human Services to collaborate with child care agencies to help educate parents on the benefits of immunizing their children from the flu.

After successfully passing the Agriculture Committee, **HB 2808 by Representative Sontany** was reviewed and referred to the Finance, Ways and Means Committee. Known as the “Haley Ham Law”, this legislation would require that a bittering agent be added to antifreeze so that children and pets would find the taste of antifreeze unappealing. This legislation would authorize the Commissioner of Agriculture to promulgate rules in order to enforce the provisions of this legislation. An amendment placed on the bill would delete the provision that exempts

containers of engine coolant or antifreeze that weighs more than 55 gallons.

The committee reviewed and referred **HB 2978 by Representative Sargent** to the Finance, Ways and Means Committee. Under this bill, the sales tax on food and food ingredients would be reduced 0.5 percent each year that there is a budget surplus exceeding \$50 million. The Department of Revenue is delegated rulemaking authority to promulgate rules as well as the authority to promulgate public necessity or emergency rules in order to implement this legislation.



Rep. Sargent

HB 3107 by Representative Curtiss was reviewed and referred to the Calendar and Rules Committee. Originating in the Consumer and Employee Affairs Committee, the bill, as amended, would prohibit the sale or giving away of novelty lighters that are operable. An additional amendment placed on the bill would delegate the Commissioner of Commerce and Insurance rulemaking authority and added an effective date of July 1, 2008.

Sunset Bills sent to Calendar and Rules:

HB 3230 by Kernell – Tennessee Arts Commission – re-authorized until June 30, 2012.

HB 3587 by Kernell – Genetic Advisory Committee – re-authorized until June 30, 2013.

HB 3235 by Kernell – Housing Development Agency – re-authorized until June 30, 2015.

The following bills were rolled for two weeks:

HB3221 by Kernell – Tennessee Higher Education Commission

HB 3232 by Kernell – Tennessee Correction Institute, Board of Control

health & human resources

Judy Narramore



The **Health & Human Resources Committee** met Tuesday morning, March 11, 2008, to consider 10 bills. **HB 2564 (Fincher)** as amended that revises (and clarifies within existing code) the penalty for tattooing a person under the age of 18 from a Class C to a Class A misdemeanor, and requires a parent or legal guardian to present proof of guardianship or custody prior to a minor receiving a body piercing or a minor receiving a tattoo to cover up an existing tattoo was referred to Government Operations. **HB 3297 (Vaughn)** that requires the Division of Mental Retardation Services to make available home and community-based services for persons on the waiting list, determine the specific needs of persons on the waiting list, offer assistance to increase provider capacity in the community, and expand a comprehensive service delivery system based on a person centered planning process that will be funded by federal waiver and state resources was referred to FW&M. **HB 3332 (Brown)** that increases the amount of reimbursement from the Department of Health to the residential homes for the aged from \$19 to \$25 per day for each resident whose total income does not exceed \$600 per month and whose income is limited to payments made under the Social Security Act was referred to FW&M. **HB 3364 (Fitzhugh)** that requires a critical access hospital to obtain a certificate of need prior to closing or substantially reducing services was referred to C&R. **HB 3617 (Maddox)** that redefines *home medical equipment services* to include shipments by a provider to a consumer's residence or to a predetermined location to be picked up by the consumer or the consumer's representative was referred to FW&M. **HB 4109 (Shepard, Odom)** that authorizes an inpatient mental

health facility to test a patient's blood for hepatitis B or HIV/AIDS if an employee, student, or other care provider at the facility is exposed to the blood or other body fluid of a patient was referred to C&R. **HB 4156 (Richardson, Odom)** that decreases the gross receipts tax on intermediate care facilities for the mentally retarded (ICFMR) from 6 percent to 5.5 percent, retroactive to January 1, 2008 was referred to FW&M.

In other action, **HB 2063 (Maddox)** as amended that creates a 17-member study committee to study the creation of a Department of Aging and Adult Services was discussed, the amendment was adopted, and the bill was then rolled one week for further review of the amendment and for additional amendatory language to revise the study committee's reporting date. **HB 3264 (Moore)** was rolled one week at the request of the sponsor. After discussion and testimony from the Department of Health on **HB 2945 (Lynn)** that removes reference to the Joint Commission on Accreditation of Health Care Organizations from existing rule making statute for the Board for Licensing Health Care Facilities, the bill was rolled one week at the request of the committee.

Professional Occupations Subcommittee

The **Professional Occupations Subcommittee** met immediately following adjournment of the full committee on March 11th to consider nine bills on the calendar and addendum; four were referred to full committee. **HB 3757 (Kelsey)** authorizes covenants not to compete for radiologists. **HB 4122 (Odom)** authorizes TennCare employees who are engaged in analyzing controlled substances prescription information to have access to the controlled substance



Prof. Occ. Chair Favors

database. **HB 4204 (Richardson, Odom)** expands the situations in which a person can administer medications without being licensed as a nurse to include persons providing personal support services to clients living in their own home or private residence pursuant to a contract or agreement under any Medicaid waiver or other program of the Division of Mental Retardation. **HB 3633 (Favors)** as amended defines *Level II office-based surgery* and establishes requirements for physicians that perform Level II office-based surgery through the Board of Medical Examiners and Board of Osteopathic Examiners.

In other action, **Rep. Vaughn** rolled **HB 3294** two weeks and **HB 3298** one week. **Rep. Shepard** rolled **HB 4200** one week for legal review and amendatory language. After discussion on **HB 4011 (Armstrong)**, the bill was rolled one week for amendatory language that purports to rewrite the bill to establish a pilot project for one federally qualified health center (FQHC) and two remote sites in East Tennessee. **Rep. Litz** rolled **HB 3677** one week.

Health Care Facilities Subcommittee

The **Health Care Facilities Subcommittee** met Wednesday, March 12, 2008, to consider five bills, referring one (HB 2677) to full committee. **HB 2677 (M. Turner)** as amended requires the Department of Health, after ordering a suspension of admissions to a nursing home, to provide notice of such suspension to legislators in whose district the nursing home is located and requires the Department to utilize the exit conference to advise the nursing home of violations that may result in civil monetary penalties or suspension of admissions, and further, notify legislators in whose district the nursing home is located of such violations. **Rep. M. Turner** rolled **HB 2572** one week, and **HB 3838** and **HB 3941** two weeks. **Rep. Windle** took **HB 2938** off notice.

Public Health & Family Assistance Subcommittee

The **Public Health & Family Assistance Subcommittee** met Wednesday afternoon, March 12th to consider eight bills, referring one (HB 3197) to full committee. **HB 3197 (S. Jones)** requires the Department of Health to phase in evidence-based programs related to in-home visitation programs that are intended to improve birth outcomes, health, and development of children, from conception to age two, of low-income mothers and requires any departmental

contracts for such services to include a provision affirming that the services are evidence-based except for services that are part of a pilot program. **HB 1444 (Rowland)** was rolled one week at the request of the sponsor. **HB 1883 (Overbey)** was rolled two weeks at the request of the sponsor. **HB 2785 (Cooper)** was taken off notice at the request of the sponsor. **HB 2925 (Kelsey)** was taken off notice by Chairlady Pruitt. **Rep. McCord** discussed **HB 3083**, distributed an amendment that makes the bill, and then rolled the bill two weeks. **Rep. Vaughn** rolled **HB 3295** two weeks. **HB 3367 (Floyd)** was taken off notice at the request of the sponsor.

The Full Judiciary Committee met to consider ten bills. **House Bill 2803 by Rep. Sontany**, as amended, was approved for passage and *sent to the Government Operations Committee for review*. HB 2803 by Rep. Sontany creates the Tennessee Animal Abuser Registration, Tracking and Verification Act of 2008. Offenders convicted of animal abuse defined as aggravated animal cruelty, animal fighting that constitutes a felony, and bestiality will be required to register with this registry. The clerk of court in the county where the conviction occurs must forward to the TBI a copy of the judgment, address and other information of the defendant. The TBI would maintain this registry. Also, House Bill 3991 by Rep. DuBois was rolled for two weeks.

The following is a list of bills approved for passage to Calendar & Rules:

- **HB 583 by Rep. DuBois**, as amended, creates a Class A misdemeanor offense for any person to knowingly deliver or convey to a public servant any written, electronic, or verbal communication which contains a threat of death or to inflict serious bodily injury upon the public servant or his immediate family if the threat is related to the public servant's responsibilities and a reasonable person would believe the person making the threat intends to carry it out. A public servant is defined as any public officer or employee of the state or any political subdivision of the state or of any governmental instrumentality within the state. A violation by a minor is a delinquent act punishable upon first offense by a fine not to exceed one thousand dollars (\$1000.00) or not more than fourteen (14) days of community service, or both.
- **HB 3873 by Rep. Fitzhugh** revises standardized booking procedures relative to fingerprinting of arrestees. It requires a booking agency that maintains fingerprints manually to mail two sets of fingerprint cards to the TBI. If the fingerprints are transmitted electronically, only one hard copy of the fingerprints is required with the arrest report along with an acknowledgment that the TBI received and accepted the fingerprints.

Currently, two sets of fingerprint cards are to be completed and mailed to the TBI.

- **HB 3060 by Rep. Fincher** extends statutes of limitation and statutes of repose in any county in which a disaster is declared by a duly authorized member of the appellate court.
- **HB 3709 by Rep. Coleman** changes from twenty (20) to thirty (30) days the time period for filing a financing statement with respect to a purchase-money security for priority purposes.

List of bills approved for passage to the Finance Committee:

- **HB 3846 by Rep. Mumpower**, as amended, authorizes Sullivan County, upon the adoption of a resolution by two-thirds majority vote of the county legislative body, to levy a privilege tax on all civil and criminal litigation not to exceed twenty-five (\$25.00) dollars to be used for court house security. The amendment provides that it shall take effect upon becoming law.
- **HB 2804 by Rep. Sontany** makes it an offense to knowingly and unlawfully kill the animal of another without the owner's effective consent. A violation of this will be punishable as theft of property. This bill removes the current element of intent to deprive the owner of the right to the animal's life.
- **HB 3201 by Rep. Coleman** provides that on and after July 1, 2008, the base salaries of child support referees are to be annually adjusted to reflect any actual percentage pay increases provided to all state employees by the general appropriations act.
- **HB 3638 by Rep. Coleman** establishes uniform procedures for all counties regarding the selection of jurors. It eliminates the current occupational exemptions for jury duty. However, it allows any person to be excused

from serving if the person is incapable of serving due to a mental, physical, or financial hardship. Certain documentation is to be provided to the judge in order for an individual's request to be granted.

Civil Practice & Procedure Subcommittee



The Civil Practice & Procedure Subcommittee met to discuss twenty-five bills on its calendar. House Bill 1359 by Rep. L. Turner was rolled to the last calendar.

The following house bills were approved for passage to the Full Judiciary Committee:

- **HB 3962 by Rep. Curtiss**, as amended, makes it a violation of the Tennessee Consumer Protection Act for a person engaging in the business of locating heirs in the State of Tennessee to: fail to disburse all funds to an heir within five (5) days of receiving funds from the personal representative, court, or payee; fail to maintain a separate trust account for the funds from the estate; accept a contribution or fee exceeding twenty-five percent (25%) of the heir's interest in the estate; or contacting an heir within one hundred and twenty (120) days of opening the estate. Also, the bill lists persons that will not be considered unknown heir locators such as an attorney licensed to practice in Tennessee, person acting pursuant to a court order or judgment, agent of the personal representative, or the personal representative of the estate.

- **HB 2668 by Rep. Hackworth**, as amended, creates the Uniform Interstate Depositions and Discovery Act. The bill allows a party to submit a foreign subpoena to a clerk of court in the county in which discovery is being sought. It requires a subpoena issued by a clerk of court to be served in compliance with the Tennessee Rules of Civil Procedure. Also, it provides that when a subpoena requires a person to attend and give testimony at a deposition, produce documents, records or tangible things, the time, place and manner of taking the deposition, the production, or the inspection must comply with the Tennessee Rules of Civil Procedure.
- **HB 3515 by Rep. U. Jones** requires the department of finance and administration, office of criminal justice programs, to provide annual operating funds of not less than two hundred and fifty thousand dollars (\$250,000.00) for any drug court within the state that has an average active outpatient participation of two hundred and fifty (250) clients.
- **HB 2797 by Rep. Buck**, as amended, requires the department of human services to serve a complaint not only on an adult alleged to need protective services, but any spouse of such adult forty-eight (48) hours prior to a hearing in which the department is seeking an order authorizing protective services necessary to prevent imminent danger or harm with a complaint. Also, it gives the spouse a right to be present and represented by counsel at the hearing. Counsel cost shall be borne by the spouse unless the department failed to serve a copy of the complaint on the spouse without good cause, which is not to exceed one thousand dollars. Allows a court in its order to authorize the temporary guardian to exercise power of attorney over adult's bank accounts.
- **HB 2954 by Rep. Lynn** requires a person to be a United States citizen or legal permanent resident in order to be a notary public.
- **HB 3866 by Rep. Overbey**, as amended, authorizes a court to order upon the termination of a derivative action the following: the corporation to pay the plaintiff's reasonable expenses, including attorney's fees

if the court finds that the proceeding has resulted in a substantial benefit to the corporation; the plaintiff to pay defendant's reasonable expenses if it is found the proceeding was commenced or maintained without reasonable cause; or a party to pay an opposing party's reasonable expenses incurred because of the filing of the pleading or other paper if the court finds it was not well grounded in fact after reasonable inquiry or existing law and was interposed for an improper purpose.

The following is a list of bills rolled 1 week:

HB 3736 by Rep. Pitts
HB 186 by Rep. Fincher
HB 2718 by Rep. Fincher
HB 2721 by Rep. Fincher
HB 4124 by Rep. Fincher
HB 2469 by Rep. S. Jones
HB 2473 by Rep. S. Jones
HB 2421 by Rep. Moore
HB 2907 by Rep. DuBois
HB 3850 by Rep. Montgomery
HB 3763 by Rep. Overbey
HB 3949 by Rep. Overbey
HB 3950 by Rep. Overbey

Rolled 2 weeks:

HB 4076 by Rep. Hardaway

Rolled 3 weeks:

HB 1108 by Rep. Buck

Rolled 4 weeks:

HB 2933 by Rep. Kelsey
HB 1993 by Rep. Overbey

Off notice:

HB 3040 by Rep. Bell

Criminal Practice & Procedure Subcommittee

The Criminal Practice and Procedure Subcommittee heard its special calendar dealing with sex offender subject matter. Twenty-five bills were considered.



The following is a list of bills that were approved for passage to the Full Judiciary Committee:

- **HB 412 by Rep. Todd** increases minimum fines and imprisonment periods for first and subsequent non-technical violations of the Tennessee Sexual Offender and Violent Offender Registry. Non-technical violations include, but are not limited to the following: failure to timely register; falsifying TBI registration form; failure to timely disclose information to law enforcement; failure to sign a TBI registration form; failure to pay annual administrative costs if able; failure to disclose status as a sexual offender to law enforcement upon reincarceration; failure to report move to another state; failure to report return to the state after deportation.
- **HB 2920 by Rep. Maggart** includes aggravated rape of a child to the list of acts constituting a violent sexual offense for the purpose of the sex offender registry.
- **HB 4197 by Rep. Fincher**, as amended, is an administration bill that makes a number of changes to the Tennessee Sexual Offender and Violent Sexual Offender Registration, Verification and Tracking Act of 2004.
- **HB 4106 by Rep. Bass**, as amended, creates a Class E felony offense for a probation and parole officer to engage in consensual or nonconsensual sexual contact or sexual penetration with a probationer or parolee who is under the supervision of the board of probation and parole.

- **HB 2586 by Rep. H. Brooks** expands the offense of false reporting of child sexual abuse to include child physical abuse. This offense is a Class E felony.
- **HB 2917 by Rep. Maggart** removes a sentencing court's jurisdiction to order work release as part of the sentence of a person convicted of a sexual or violent sexual offense. Also, the bill provides that no person convicted of a sexual offense or violent sexual offense shall be eligible for any work release program offered by the correctional facility in which the offender is housed.

Bills rolled 3 weeks (April 2nd) due to the special calendars:

HB 2780 by Rep. Tindell
HB 2585 by Rep. Overbey
HB 2847 by Rep. DuBois
HB 2645 by Rep. Pitts
HB 2609 by Rep. Hardaway
HB 2918 by Rep. Maggart
HB 912 by Rep. Tindell
HB 3141 by Rep. Maggart
HB 957 by Rep. Maggart
HB 955 by Rep. Maggart

Off notice:

HB 414 by Rep. Toddy
HB 1028 by Rep. Todd
HB 1029 by Rep. Todd
HB 3693 by Rep. DuBois
HB 2644 by Rep. Pitts
HB 2646 by Rep. Pitts
HB 2647 by Rep. Pitts
HB 3140 by Rep. Maggart
HB 3479 by Rep. Curtiss

state & local government

Lawrence Hall, Jr.

This week in the State and Local Government full committee 19 bills were on the calendar for consideration. Ten bills were passed to Calendar and Rules and three were moved to Finance, Ways and Means. The committee also passed one bill, **HB 2949 by Lynn**, to Government Operations. All other bills were deferred to later calendars.



Chairman Jones

Calendar and Rules:

- **HB 3870 by Fitzhugh** - Redefines “financially distressed utility district” under the Utility District Law of 1937 to include the systems of a utility district; removes provision whereby failure to comply with requirement that a utility district’s rates be sufficient to make the district self-sufficient is grounds for the utility district to be considered financially distressed; specifies that public utility districts may operate water and sewer systems as individual or combined entities.

- **HJR 0831 by Cooper B.** - Names June 1, 2008, as “National Church School Day,” and “Back to Church School Crusade Months,” June and July of 2008

- **HB 2778 by Cooper B.** - This bill requires the director of the Tennessee State Museum to report to the house and senate government operations committee by January 12, 2009, concerning the operation of the National Civil Rights Museum in Memphis.

- **HJR 0803 by Shepard** – This bill designates the Dickson Fiddler’s Contest and

Family Fun Festival as a “Tennessee State Championship Barbecue Cook-Off.”

- **HB 2815 by McDonald** - Clarifies the responsibilities of the department of finance and administration and the department of general services relative to energy management activities.

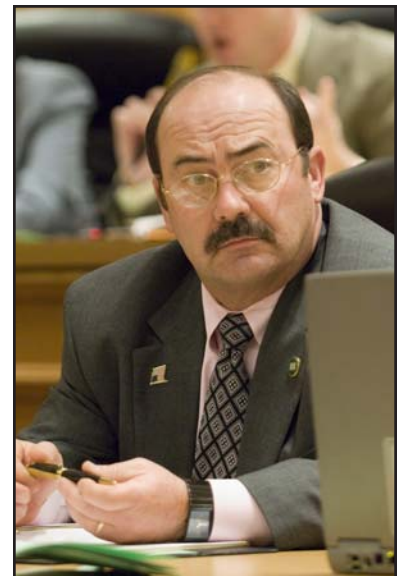
- **HB 2816 by McDonald** - Requires the inclusion of an environmental impact statement on fiscal notes for general bills and resolutions having a direct significant impact on energy conservation within the state.

- **HB 2817 by McDonald** – This bill mandates participation in the energy management program by state departments and agencies and all state colleges and universities operated by the board of trustees of the University of Tennessee or the state board of regents.

- **HJR 0889 by Windle** – Names the National Guard Armory in Livingston the “Sgt. Robert Wesley Tucker National Guard Armory.”

- **HB 4126 by Bibb, Odom** - Requires, in regard to bids and the bid process, a protesting party to file a protest bond in order for a protest or stay of award to proceed; bond to be 5 percent of the lowest bid evaluated.

- **HB 3504 by Jones U** – This bill exempts marketing strategies and strategic plans including feasibility studies of certain hospitals from open meetings law and public records law until adopted by the hospital board.



Rep. Bibb

Finance, Ways and Means:

- **HB 3722 by Fitzhugh** - Requires that county jails have at least one certified jail administrator or an exempt individual as jail administrator, chief deputy jailer, chief deputy, or other official or employee who has daily administrative oversight responsibilities; establishes requirements for certification and provides annual education incentive of \$600.

- **HB 3861 by Tindell** – This bill directs ABC to deposit any fine it collects from a person whose license or permit was revoked or suspended with the state treasurer for the general fund.

- **HB 3863 by Tindell** – This bill establishes the county revenue partnership fund to consist of funds appropriated by the general assembly for distribution to counties and metropolitan governments.

Government Operations:

- **HB 2949 by Lynn** - Requires regulating entities to notify a holder of a license, certification, or registration of applicable laws and changes in applicable laws.

Rolled Bills:

-HB 3727 by Fitzhugh – 1 Week
-HB 459 by Fitzhugh – 2 Weeks
-HB 3840 by M. Turner – 1 Week
-HB 2759 by Bibb – 1 Week
-HB 3155 by McManus – 4 Weeks

State Government Subcommittee

This week in State Government Subcommittee, seven of seventeen bills were passed to full committee. All other bills were rolled to later dates.

- **HB 3381 by Odom** - Redefines audit and investigatory information; changes frequency and manner of ethics training for lobbyists; and limits disclosure of personal financial records.

- **HB 4145 by Miller L** – This bill authorizes the commissioner of general services to dispose of confiscated intoxicating beverages, confiscated motor vehicles, and

any other lawfully confiscated property by means of advertising on the Internet and selling by Internet auction.

- **HB 3211 by Gilmore** - Requires all inmates to be tested for HIV before release from any department of correction institution.

- **HB 2608 by Hardaway** - Requires the department of corrections to test all incoming inmates for bloodborne pathogens effective July 1, 2008, and requires that all inmates in custody of department be tested for bloodborne pathogens by July 1, 2009.

- **HB 4188 by McDaniel** - Declares September 17 of each year be observed as “Tennessee and United States Constitutions Day.”

- **SJR 0604 by Kurita** – This resolution encourages Tennessee parents to take their minor children with them to the voting booth on election day.

- **HB 4115 by Jones U** – This bill authorizes the commissioner to enter into agreements with local governmental entities for the transfer of appropriate TDOC inmates to confinement in a local facility to participate in local pre-release programs.

Rolled Bills:

-HB 3328 by Brown – 1 Week
-HB 3631 by Kernell – 2 Week
-HB 3005 by Harmon – 1 Week
-HB 2742 by Hardaway – 1 Week
-HB 2963 by Hardaway – Last Calendar
-HB 3599 by Hardaway – Off Notice
-HB 2948 by Lynn – 1 Week
-HB 3037 by Watson – 2 Weeks
-HB 3877 by U. Jones – Off Notice
-HB 3878 by U. Jones – Off Notice

Local Government Subcommittee

Local Government Subcommittee considered nineteen bills this week. Eight of the nineteen bills were passed to full committee to be heard next week and

- **HB 4114 by Cobb C.** – This bill authorizes the fire service and code

enforcement academy to accept, for any of its purposes and functions, donations of real and personal property and services and grants of money.

- HB 3958 by Curtiss – This bill enacts the “Regional Jail Authority Act.”

- HB 2855 by Jones S - Revises various fees for county clerks.



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- HB 3405 by Watson - Directs TACIR to conduct a study of whether utility districts should be allowed to provide service to any customer located within the boundaries of an adjoining utility district that, following petition by such customer, has refused or neglected to provide service to such customer within a reasonable period.

- HB 3374 by Shepard - Clarifies statutory requirements for moving single family residences from one foundation to another located within a developed area of single family residences.

- HB 3472 by McCord – This bill authorizes certain municipalities to regulate and prohibit use of wheel immobilizers to disable vehicles.

- HB 3002 by Pinion - Expands authority for Dyer County trustee to accept partial payment of property taxes to include electronically via electronic fund transfers, preauthorized bank payments, wire transfers, ACH credits, or other method of electronic payment.

- HB 2760 by Bibb - Revises regional and municipal planning provisions concerning the avoidance of scattered and premature development in areas where there are inadequate or nonexistent publicly owned and maintained services and facilities.

Rolled Bills:

- HB 3994 by L. DeBerry – 1 Week
- HB 3103 by Curtiss – 2 Weeks
- HB 3104 by Curtiss – 2 Weeks
- HB 3281 by Maddox – 1 Week
- HB 4072 by Crider – 1 Week
- HB 3830 by Maggart – 2 Weeks
- HB 3702 by Floyd – 2 Weeks
- HB 2750 by Dunn – 1 Week
- HB 3059 by Lundberg – 1 Week
- HB 3432 by Eldridge – 2 Weeks
- HB 2913 by West – 1 Week

Elections Subcommittee

This week in Elections Subcommittee, eleven bills were listed on the calendar for consideration. Only four bills were passed to full committee for next week and all others were delayed for a later hearing.

- HB 3969 by Armstrong – This bill requires a non-partisan special election to be held when two or more simultaneous vacancies occur on any county legislative body and 12 or more months remain prior to the next August general election.

- HB 1442 by Dunn - Prohibits a member of a county election commission or the state election commission from participating in the management or leadership of a political party organization or a candidate’s campaign during such member’s term of office or from publicly endorsing or permitting the members name from being used to endorse a particular candidate.

- HB 3687 by Tindell - Creates a pilot project to be implemented by the state election coordinator in one or more municipalities holding a municipal election in



Elections Chair Yokley

2009 to determine whether convenient voting centers could successfully be established for local and state elections.

- HB 3441 by Rinks – This bill makes various changes to election laws, including when 30th day before election falls on Sunday, Saturday, or legal holiday, applications for registration shall be accepted and processed through the 29th day before the election.

Rolled Bills:

- HB 3327 by Brown – Off Notice
- HB 4021 by Hardaway – Off Notice
- HB 4022 by Hardaway – Off Notice
- HB 3777 by Windle – Off Notice
- HB 3624 by Odom – 2 Weeks
- HB 3749 by L. Miller – 2 Weeks
- HB 3804 by L. Miller – 2 Weeks

The **House Transportation Committee** convened March 11, 2008 to consider eleven bills. **HB3476** (Matlock) was deferred for two weeks. **HB2768** (Hardaway) was held in the Transportation Committee.

HB2794 (Harwell) authorizes the use of inherently low-emission vehicles (ILEV) and low-emission and



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energy efficient vehicles (LEEEV) in High Occupancy Vehicle (HOV) lanes provided that such authorization does not violate federal guidelines or jeopardize federal funds to the state. The bill requires the Department of Revenue to provide owners of qualified vehicles with an identifying decal upon documentation. The Department of Transportation (TDOT) and local authorities are to provide information via traffic control devices and signage that such vehicles may be driven in HOV lanes, and it requires TDOT, in conjunction with local authorities, to perform a level-of-service examination concerning the use of HOV lanes by these vehicles. If the study determines that the use of HOV lanes by these vehicles causes a significant decrease in the level of service for other users, the authorization for the use of such lanes by ILEV and LEEEV vehicles may be restricted or terminated. The bill was passed by the committee and referred to the **Government Operations Committee** to review the bill's rule making authority.

HB3004 (Pinion) redistributes funds from sale of Masons license plates. The bill was passed by the committee and will be placed in the **Omnibus License Plate Bill**.

The following bills were referred to the **Calendar and Rules Committee**:

HB4117 (Fraley) – Removes provisions whereby information on automobile liability insurance in motor vehicle accident reports is excluded from public inspection.

HB2868 (Pinion) – As amended, deletes the requirement that toll projects will be limited to two pilot projects. The bill, as amended, also deletes a code reference in the reporting requirement, as this refers to an unrelated portion of the toll law.

HB2736 (Tidwell) – Allows Perry County, subject to local approval, to increase the severance tax on minerals from five cents per ton to ten cents per ton. An amendment was adopted requiring that all current or future revenues from the tax will be placed in the Perry County highway fund.

HB2653 (Hackworth) – As amended last week, prohibits motor vehicles in a marked school zone, when warning flashers are in operation, from crossing a roadway with a crosswalk when a pedestrian is in such crosswalk.

The following bills were referred to the **Finance, Ways and Means Committee**:

HB2966 (Hardaway) – Names U.S. Highway 78 in Memphis the "Rosa Parks Memorial Highway." An amendment was adopted to ensure that the bill is only memorial in nature.

HJR736 (Shepard) – "Trooper Jamie Hassell Barnett Memorial Highway" highway signs on a portion of State Highway 230 East in Hickman County. An amendment was adopted for the signs to be paid for by Hickman County.

HB2839 (Sargent) – Distributes all of the taxes from the registration and licensing of motor vehicles to department of transportation instead of only 98 percent. The bill deletes administration deductions from amounts of the gasoline tax otherwise dedicated to counties, cities, and the highway fund.



Public Safety & Rural Roads Subcommittee

The **Public Safety & Rural Roads Subcommittee** met March 11, 2008 to consider eleven bills.

HB3922 (Coley), **HB3923** (Coley), and **HB3924** (Coley) were deferred for two weeks.

HB3933 (DuBois), **HB2590** (Richardson), **HB2723** (Richardson), **HB2893** (Gilmore) and **HB3016** (Litz) were rolled for one week.

HB2626 (Hardaway) was referred to summer study.

HB2618 (Lundberg) was referred to a summer study by the Department of Safety.

HB3904 (Fincher) was referred to the full **Transportation Committee**. The bill removes the requirement that permanently disabled passengers of motor vehicles must renew a disabled placard every two years.

Public Transportation & Highways Subcommittee

The **Public Transportation & Highways Subcommittee** met on March 11, 2008 to consider six bills. **HB2781** (Tindell) was deferred for one week.

The following bills were passed to the full **Transportation Committee**:

HJR908 (Crider) – “James Howard Appleton / Margaret Hopper Crider Memorial Highway” highway signs on a segment of U.S. Highway 70A/79 in Gibson County.

HB3474 (Curtiss) – Authorizes issuance of Mothers Against Methamphetamine (MAMA) new specialty earmarked license



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plates and allocates 50 percent of funds derived from sale thereof to Mothers Against Methamphetamine. **HB2798**

(Harmon) – “Lt. Colonel Linden Lee Gill Highway” highway signs on a segment of State Route 53 in Smith County.

HB2800

(Harmon) – As amended, “Private First Class

Woodrow Wilson Winfree Memorial Bridge” highway signs on a bridge spanning Mulherrin Creek on State Route 141 in Smith County.

HB1039 (C. Cobb) – Provides for erection of signs designating the Midway community on U.S. Highway 41-A in Bedford County.

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